

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID CARMINE LETTIERI,

Plaintiff(s),

v.

T-MOBILE, et al.,

Defendant(s).

CASE NO. C24-0028-KKE

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Plaintiff's motion for reconsideration of the Court's order (Dkt. No. 10) dismissing the complaint without prejudice. Dkt. No. 12.

Under the local rules for the Western District of Washington, "[m]otions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Local Rules W.D. Wash. LCR 7(h)(1).

Plaintiff contends that his amended complaint properly identified Defendants acting under color of state or federal law, and thus the Court should not have dismissed his claims brought under 42 U.S.C. § 1983. Dkt. No. 12 at 1. He also states that if his claim brought under Title 42 was not the correct vehicle for relief, the Court should have construed it as Title 47 claim, rather than dismissing it. *Id.* at 2.

1 Neither of these arguments establish manifest error in the Court's order, because neither
2 addresses all of the deficiencies identified in the amended complaint. Plaintiff's amended
3 complaint does not explicitly allege any Section 1983 claims, nor does Plaintiff explain the basis
4 for claims brought under either Title 42 or Title 47. *See* Dkt. No. 9. Neither Plaintiff's amended
5 complaint nor his motion for reconsideration explains how his rights were violated by the actions
6 or inactions of any Defendant. Dkt. Nos. 9, 12. Plaintiff has failed to show that the Court
7 manifestly erred in finding that he had failed to state a valid claim, and thus the Court DENIES his
8 motion for reconsideration. Dkt. No. 12.

9 The Court also notes that Plaintiff's motion for reconsideration contains a notice of appeal
10 to the U.S. Court of Appeals for the Ninth Circuit. Dkt. No. 12 at 3. The clerk is directed to file
11 this notice separately on the docket to effectuate that appeal.

12 Dated this 13th day of May, 2024.

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15 Kymberly K. Evanson
16 United States District Judge
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